

## **REMARKS**

In view of the following remarks, reconsideration is requested.

### **I. Amendments to the Claims**

Claim 1 has been amended to overcome the 35 U.S.C. § 112, second paragraph rejection discussed below. Claim 17 has been amended in the same manner.

### **II. 35 U.S.C. § 112, Second Paragraph Rejection**

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph for reciting “the same character data” in line 19, which allegedly lacks proper antecedent basis.

Claim 1 has been amended to recite “same character data” rather than “the same character data.” As a result, withdrawal of this rejection is respectfully requested.

### **III. 35 U.S.C. § 103(a) Rejection**

Claims 1-4, 6-14, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto et al. (E.P. Patent No. 0991007) in view of Borge (US 2005/0059483). This rejection is believed clearly inapplicable to claims 1-4, 6-14, 16 and 17 for the following reasons.

Independent claim 1 recites a game system including a first game execution apparatus having a first permission information reading unit that reads, from a first game recording medium, first permission information indicating which attribute from a plurality of attributes of a common character is permitted to be changed by the first game execution apparatus, wherein the

first game recording medium stores the first permission information, and wherein, in accordance with the read first permission information, the first game execution unit changes the attribute permitted to be changed by the game execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the first game execution apparatus from being changed.

Further, claim 1 recites that the game system includes a second execution apparatus further having a second permission information reading unit operable to read, from a second game recording medium, second permission information indicating which attribute, from the plurality of attributes of the common character, is permitted to be changed by the second game execution apparatus, wherein the second game recording medium stores the second permission information, and wherein, in accordance with the read second permission information, the second game execution unit changes the attribute permitted to be changed by the second execution apparatus as the game proceeds, and prohibits an attribute not permitted to be changed by the second game execution apparatus from being changed.

Finally, claim 1 recites that the first permission information and the second permission information are associated with the plurality of the attributes of the common character indicated by predetermined character data, wherein the common character commonly appears in the game by the first game execution unit and by the second game execution unit.

In summary, claim 1 requires that permitting or prohibiting the changing of characteristics of characters is determined based on permission information included in each game execution apparatus.

The above-identified rejection relies on Borge for teaching the above-described first/second permission information, as recited in claim 1. Specifically, page 5 of the Office

Action (lines 18-2) indicates that paragraphs [0025]-[0027] of Borge teach that “In this instance once an unlocked characteristic of a character is unlocked and saved in a storage medium, a player can go to another game execution apparatus and load the unlocked characteristics of the character.” The Applicants do not agree with this assertion.

Rather, Borge teaches that “the gaming platform is adapted to save the character with its enhanced attributes, so that the user may later return to the game with the character in the same condition as when the user left the game” (see paragraph [0010]). In other words, Borge teaches that the user uses the same game apparatus and that the characteristics of the character are stored in that game apparatus. Applicants also note that Borge teaches that a serial number is input, and then a code of an accessory is input, such that the serial number and the code of the accessory are input based on the user’s intention (paragraphs [0025]-[0027]).

Thus, in view of the above, it is apparent that Borge teaches that a gaming apparatus saves a character and the character’s attributes, but fails to disclose or suggest that the first permission information and the second permission information are associated with the plurality of the attributes of the common character indicated by the predetermined character data, wherein the common character commonly appears in the game by the first game execution unit and by the second game execution unit, as required by claim 1.

In other words, Borge requires the exact same game apparatus to be used in order to save and/or retrieve a characters characteristics, but fails to disclose or suggest that permitting or prohibiting the changing of characteristics of characters is determined based on permission information that is included in each game execution apparatus, as required by claim 1.

Additionally, in view of the above, it is clear that Borge teaches that a user enters a

serial number and a code of an accessory into a gaming platform, but fails to disclose or suggest the features of the first and second permission information, such that permitting or prohibiting the changing of characteristics of characters is determined based on permission information that is included in each game execution apparatus, as required by claim 1.

In other words, Borge teaches that a user must intentionally input a serial number and a code of an accessory, which is not a disclosure or suggestion of determining whether to unlock characteristics of a character based on permission information included in each game execution unit, as required by claim 1, regardless of whether the user inputs a serial number or a code.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1 would not have been obvious or result from any combination of Miyamoto and Borge.

Amended independent claims 2, 9, 10, 11 and 14 are directed to an apparatus, a medium, a method, a program, and a medium, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 2, 9, 10, 11 and 14 and claims 3, 4, 6-8, 12, 13, 16 and 17 that depend therefrom are allowable over any combination of Miyamoto and Borge.

#### IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

***The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.***

Respectfully submitted,

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